

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
CHARLES ARAKAKI, M.D.
Holder of License No. 48611
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-16-0133A

**ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME**

Charles Arakaki, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 48611 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-16-0133A after receiving a Disciplinary Alert Report generated by the Federation of State Medical Boards stating that Respondent was reprimanded by the Oregon Medical Board ("OMB") on January 8, 2016 and was assessed a civil penalty for violation of a statute or rule.
4. On February 4, 2016, the OMB granted Respondent an Oregon medical license after entering into a Stipulated Order with him due to advertisements insinuating that he was authorized to practice medicine in Oregon when he was not. The Stipulated Order included a reprimand and assessment of a \$5,000 civil penalty. Respondent currently has an active and unrestricted license in Oregon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o) ("Action that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.
2. Respondent is placed on Probation for a period of six months with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 5 hours of Board staff pre-approved Category I Continuing Medical Education ("CME") in ethics. Respondent shall within thirty days of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical

1 licensure. The Probation shall terminate upon Respondent's proof of successful
2 completion of the CME.

3 **b. Obey All Laws**

4 Respondent shall obey all state, federal and local laws, all rules governing the
5 practice of medicine in Arizona, and remain in full compliance with any court ordered
6 criminal probation, payments and other orders.

7 3. The Board retains jurisdiction and may initiate new action against
8 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

9 DATED AND EFFECTIVE this 10th day of November, 2016.

10
11 ARIZONA MEDICAL BOARD

12 By Patricia E. McSorley
13 Patricia E. McSorley
14 Executive Director

15
16 **CONSENT TO ENTRY OF ORDER**

17 1. Respondent has read and understands this Consent Agreement and the
18 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
19 acknowledges he has the right to consult with legal counsel regarding this matter.

20 2. Respondent acknowledges and agrees that this Order is entered into freely
21 and voluntarily and that no promise was made or coercion used to induce such entry.

22 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
23 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
24 this Order in its entirety as issued by the Board, and waives any other cause of action
25 related thereto or arising from said Order.

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.

3 5. All admissions made by Respondent are solely for final disposition of this
4 matter and any subsequent related administrative proceedings or civil litigation involving
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended
6 or made for any other use, such as in the context of another state or federal government
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
8 any other state or federal court.

9 6. Upon signing this agreement, and returning this document (or a copy thereof)
10 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
11 the Order. Respondent may not make any modifications to the document. Any
12 modifications to this original document are ineffective and void unless mutually approved
13 by the parties.

14 7. This Order is a public record that will be publicly disseminated as a formal
15 disciplinary action of the Board and will be reported to the National Practitioner's Data
16 Bank and on the Board's web site as a disciplinary action.

17 8. If any part of the Order is later declared void or otherwise unenforceable, the
18 remainder of the Order in its entirety shall remain in force and effect.

19 9. If the Board does not adopt this Order, Respondent will not assert as a
20 defense that the Board's consideration of the Order constitutes bias, prejudice,
21 prejudgment or other similar defense.

22 10. ***Respondent has read and understands the conditions of probation.***

23
24 _____
CHARLES ARAKAKI, M.D.

DATED: 10/26/2016

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXECUTED COPY of the foregoing mailed
this 10th day of November, 2016 to:

Charles Arakaki, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 10th day of November, 2016 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Baker
Board staff